

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

As a preliminary matter, Applicants note the Office Action's approval of the drawings filed on April 20, 2005. The Information Disclosure Statement filed April 20, 2005 was not considered because copies of the references were not received by the U.S. Patent and Trademark Office. Applicants respectfully submit that the Information Disclosure Statement accompanying this response complies with the requirements set forth under 37 C.F.R. § 1.98(a)(2) by including a copy of each document listed thereon. Applicants respectfully request the Examiner to consider the Information Disclosure Statement by returning an initialed and signed copy of the attached modified PTO/SB/08 form listing the documents, in the next communication.

The abstract stands objected to for minor informalities. Claims 1-12 stand rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite. Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. JP 2002-321746 to Fujii et al. (hereinafter "Fujii"). Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,050,272 to Robinson et al. (hereinafter "Robinson"). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of U.S. Patent No. 4,834,096 to Oh et al. (hereinafter "Oh").

By this amendment, claims 1-4, 6-7 and 9-12 have been amended for clarity and/or to further define the subject matter Applicants regard as the invention. Claims 5 and 7-8 remain unchanged in the application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-12 remain pending in this application for consideration

Applicants respectfully submit that the claims are patentably distinguishable over the cited references as required by § 102. Applicants further submit that the cited references fail to disclose Applicants' claimed clip including *a latching releasing means to which latching releasing force is applied in an open direction of the opposed clipping arms, wherein the latching means has a supporting point part that acts as the latching releasing force to the latching part in a latching releasing direction* as required by amended independent claim 1. By contrast, the cited references fail to disclose these claimed features. Accordingly, independent claim 1 and claims dependent therefrom, are patentably distinguishable over the cited references. This distinction will be further described below.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES

Independent claim 1 stands rejected as being anticipated by either Fujii or Robinson. In response, Applicants traverse the rejection and respectfully submit that claim 1 is allowable at least for the reasons that follow.

Applicants rely on MPEP § 2131, entitled "Anticipation – Application of 35 U.S.C. 102(a), (b), and (e)," which states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be "*identically* disclosed or described" by the prior art reference. (Emphasis added.) It is respectfully submitted that neither Fujii nor Robinson describes each and every element of claim 1.

Embodiments of the present invention relate to a clip. The clip includes opposed clipping arms and a latching means. The opposed clipping arms are capable of forming an independent, separate space by pressing and holding there between a clipped object constituted of a flexible hollow member. The latching means is disposed on one end of one of the opposed clipping arms, which has a latching part capable of latching the clipping arms which are pressing and holding the clipped object there between. According to one embodiment of the present invention, as recited in amended independent claim 1, the clip further includes *a latching releasing means to which latching releasing force is applied in an open direction of the opposed clipping arms, wherein the latching means has a*

supporting point part that acts as the latching releasing force to the latching part in a latching releasing direction. According to one exemplary embodiment of the present invention as illustrated in FIG. 3, the latching releasing means includes a band shape elastic piece 12 and a pull-tab 4 and forms a supporting point part 3 acting as a latching releasing force (*see*, Specification, page 9, lines 24-27). Applicants respectfully submit that the cited references fail to disclose these claimed features.

The Fujii reference appears to disclose a similar clip as claimed. The Fujii reference, however, fails to provide any disclosure or description of the claimed latching releasing means as discussed above. Moreover, the Fujii reference also fails to disclose or describe the supporting point part as now required by independent claim 1.

The Robinson reference also discloses a clip. The Robinson reference also fails to particularly point out the features of the latching releasing means as now required by independent claim 1. In particular, the Robinson reference fails to disclose or suggest the latching releasing means to which a latching releasing force is applied in the open direction of the opposed clipping arms or the newly claimed supporting point part.

In view of the fact that neither the Fujii reference nor the Robinson reference discloses each of the features of independent claim 1, these references cannot be said to anticipate nor render obvious the subject matter of independent claim 1. Thus, independent claim 1 is allowable. Since independent claim 1 is allowable, claims dependent therefrom, namely claims 2-12 are allowable by virtue of their direct or indirect dependence from allowable independent claim 1 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited references are not necessary in view of their allowability. Applicants' silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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